HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :26270 of 2007

Dated 24th December, 2007

Between

Shaik Omar

…Petitioner

and

The Superintendent of Police, Karimnagar and anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26270 of 2007

ORDER:

In this Writ Petition, the petitioner seeks declaration by way of Writ of Mandamus that the action of the respondents in not taking action on the complaint filed by him to provide police protection to safeguard his property admeasuring Ac.1.00 guntas of land covered by Sy.No. 622/31 situated in Rampur, Karimnagar as illegal and arbitrary.

The petitioner is the plaintiff in suit in O.S.No. 81 of 2006 on the file of the Senior Civil Judge, Karimnagar. The said suit is filed for specific performance of the agreement of sale dated 25-5-1990 alleged to have been executed by the owner of the said land, by name, Smt. Butti Durgamma. Pending the suit, the petitioner filed an interlocutory application for grant of temporary injunction in I.A.No. 460 of 2006. The trial Court granted injunction, but, however, on appeal,

the said order was set-aside in CMA.No. 2 of 2007. As against the same, the petitioner filed Civil Revision Petition No. 1905 of 2007, which was disposed of by this Court by order dated 31-7-2007 directing the parties to maintain status quo with regard to possession of the property and, further, directed the Court below to dispose of the said suit expeditiously.

In this Writ Petition, it is the grievance of the petitioner that in spite of the said order, the respondents are trying to trespass into the land and in spite of the complaint filed by the petitioner to provide police protection to safe guard his property, no action is being taken.

In the counter affidavit filed on behalf of the respondents, it is stated that on the complaint filed by the petitioner, a case was registered for the alleged offence under Sections 448, 427, and 506 IPC in Crime No. 126 of 2006 and the same was enquired into. It is further stated that during the course of investigation, no witness corroborated the contents of the complaint with regard to the criminal trespass by the third parties.

As much as it is stated that the investigation disclosed that the dispute is of civil nature, and, the suit filed by the petitioner is pending consideration, it cannot be said that the respondents have not taken any action on the complaint filed by him. As much as the suit filed by the petitioner is pending consideration, he can as well approach the trial Court for appropriate relief. I do not find any merit for grant of relief as prayed for in the Writ Petition.

The Writ Petition is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 24-12-2007.
Msnr.